

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

HUMBERTO LOPEZ RODRIGUEZ and
CARLOS CARRILLO-LOPEZ,

Defendants.

CASE NO. CR20-0107-JCC

ORDER

This matter comes before the Court on the parties' joint motion to continue the trial date and pretrial motions deadline (Dkt. No. 135). Defendants are charged by superseding indictment with conspiracy to distribute controlled substances, possession of controlled substances with intent to deliver, possession of firearms in furtherance of a drug trafficking crime, and related crimes. (*See* Dkt. No. 114.) Trial is currently scheduled for August 23, 2021. (Dkt. No. 103.) In July 2021, the Court granted Defendant Carlos Carrillo-Lopez's counsel's motion to withdraw. (Dkt. No. 130.) New counsel was appointed for Mr. Carrillo-Lopez on July 23, 2021. (Dkt. No. 133.) The parties now ask the Court to continue the trial date to December 13, 2021 and the pretrial motions deadline to November 15, 2021. (Dkt. No. 135 at 1, 3.) The parties agree that this case is complex; the Government has produced a large amount of discovery in this matter; and new defense counsel requires additional time to review the discovery, conduct follow-up

1 investigation if necessary, determine whether pretrial motions should be filed, and prepare a
 2 defense. (*Id.* at 3.) Defendants have executed speedy trial waivers through December 31, 2021.
 3 (Dkt. Nos. 134, 136.)

4 Having thoroughly considered the motion and the relevant record, the Court FINDS that
 5 the ends of justice served by granting the requested continuance outweigh the best interests of
 6 Defendants and the public to a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). The reasons for this
 7 finding are:

- 8 1. Taking into account the exercise of due diligence, the failure to grant a continuance
 9 would deny counsel for Mr. Carrillo-Lopez the reasonable time necessary for
 10 effective preparation, *see* 18 U.S.C. § 3161(h)(7)(B)(iv), and would therefore result in
 11 a miscarriage of justice, *see* 18 U.S.C. § 3161(h)(7)(B)(i).
- 12 2. This case is sufficiently complex that it is unreasonable to expect adequate
 13 preparation for trial within the time limits established by the Speedy Trial Act. *See* 18
 14 U.S.C. § 3161(h)(7)(B)(ii).
- 15 3. The time between the date of this order and the new trial date is a reasonable period
 16 of delay and is necessary to provide counsel for Mr. Carrillo-Lopez adequate time to
 17 prepare for trial.

18 The Court also holds that the duration of this continuance is excluded from Mr. Lopez
 19 Rodriguez's Speedy Trial calculation because it is "a reasonable period of delay" within the
 20 meaning of 18 U.S.C. § 3161(h)(6).

21 Accordingly, the Court ORDERS:

- 22 1. The August 23, 2021 jury trial is CONTINUED to December 13, 2021 at 9:30 a.m.
- 23 2. The August 4, 2021 pretrial motions deadline is CONTINUED to November 1, 2021.
- 24 3. The period from the date of this order until December 13, 2021 is an excludable time
 25 period under 18 U.S.C. § 3161(h)(7)(A) with respect to Mr. Carrillo-Lopez and under
 26 18 U.S.C. § 3161(h)(6) with respect to Mr. Lopez Rodriguez.

1 DATED this 10th day of August 2021.

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5 John C. Coughenour
6 UNITED STATES DISTRICT JUDGE
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